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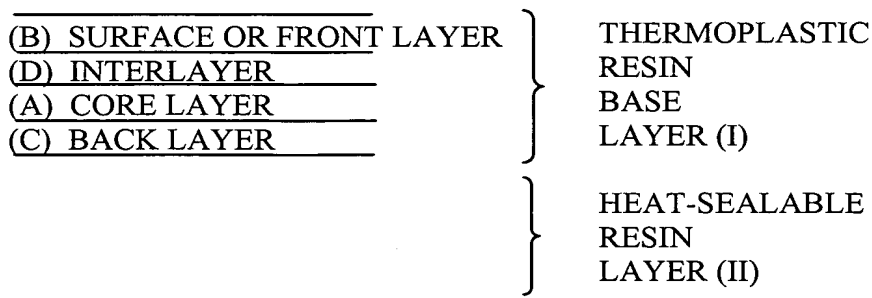
Applicants thank Examiner Zirker for the indication that the rejection under 35 U.S.C. § 112, first paragraph, is withdrawn. The sole issue outstanding in this application is the obviousness rejection over the combination of EP 949559 (EP '599) and the Janocha et al (U.S. 5,026,592). This rejection is untenable, and it should be withdrawn.

The present invention relates to a label for in-mold decorating, which comprises:

- (I) A thermoplastic resin film base layer;
- (II) An interlayer overlaying said base layer and comprising:
  - (a) A thermoplastic resin composition and
  - (b) At least one antistatic agent; and
- (III) A heat-sealable resin layer overlaying said interlayer.

EP '599, even in combination with Janocha et al, does not disclose or suggest the present invention because EP '599 **does not** disclose or suggest that that interlayer should contain at least one antistatic agent. Instead, EP '599 discloses that the antistatic agent is in the heat-sealable resin layer. This deficiency is not cured by the addition of Janocha et al.

The EP '599 structure is shown below:



See, e.g., Figure 2 on page 16 of EP '599 and the accompanying description at paragraph [0019]. (The print layer 3 has been omitted).

The Office admits that the “[EP ‘599] reference does not teach the presence of an interlayer between the thermoplastic resin film layer and the heat-sealable outer resin [layer]”. See, e.g., Office Action, page 2, paragraph 2. Applicants note that EP ‘599 does indeed disclose an interlayer (D), but this interlayer appears between the surface or front layer (B) and the core layer (A) – it **does not** appear between the thermoplastic resin base layer and the heat-sealable resin layer. The fact that “the same thermoplastic resin utilized in Applicant’s interlayer structure can comprise the thermoplastic resin film base layer material [of EP ‘599]” is irrelevant because EP ‘599 does not disclose or suggest that an antistatic agent should appear in its thermoplastic resin film base layer material – or even an interlayer therein. The **only** layer that contains an antistatic agent in the EP ‘599 reference is the heat-sealable resin layer, in contrast to the claims.

The Office relies on Janocha et al to cure the deficiencies of EP ‘599. This reliance is misplaced, however. Janocha et al appears to be relied on merely for its disclosure that the core layer and/or the top layers can contain “customary additives, such as antistatic agents, slip agents or stabilizers.” (column 5, lines 35-38). This disclosure does not make the inventions obvious. In the first place, the references are not so easily combined. Whereas the EP ‘599 “front” or “surface” layer (A) contains 35-65 wt% inorganic particles, Janocha et al. requires that the “top” layers “are free from admixtures comprising particulate filler and resin.” See, e.g., EP ‘599 paragraph [0019] and Janocha et al abstract. The Office has not resolved this contrary teaching. In the second place, Janocha et al discloses that antistatic agents are merely optional “customary additives” and does not even exemplify a composition having an additive, yet EP ‘599 discloses that the antistatic agents must be present and are present only in the heat-sealable resin layer. Thus, even if the references were combined, the result would only be confusion: it would not be the present invention.

Applicants kindly point out that even if *prima facie* obviousness were present, it would be rebutted by the **direct** comparison to EP '599 already set out in the specification.

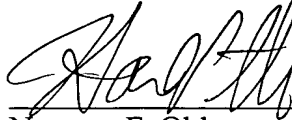
As noted in the Annex to the European Search report (already of record, copy attached), EP '599 is **equivalent** to JP 11-352888. Applicants kindly point out JP 11-352888 is not only discussed at length in the specification (page 2, lines 13-20), it is the basis of **Comparative Example 6** found at pages 25, 28 and 29 in the specification. For the Examiner's convenience, pages 28 and 29 (Tables 1 and 2) are **attached**, wherein the invention examples are shown to be superior to the JP 11-352888 (and thus the EP '599) label.

Given the disclosure of Janocha et al that the addition and location of antistatic agents does not really matter, and that of EP '599, which is that the antistatic agents should appear only in the heat-sealable resin layer, the fact that the invention examples inhere superior properties when compared to labels directly on point with EP '599 and other labels, which are even closer than the closest prior art, must be considered as both unexpected and surprising. This is clear and sufficient evidence to rebut *prima facie* obviousness, had it been presented.

For all of the reasons given above, the rejection is unsustainable, and it should be withdrawn. The claims present patentable subject matter, and their early allowance is kindly requested.

Respectfully submitted,

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TABLE I

	Example												
	1	2	3	4	5	6	7	8	9	10	11	12	13
Thickness of Interlayer (II) ( $\mu\text{m}$ )	3	4	15	1	2	3	3	3	3	3	3	3	3
Thickness of Heat-sealable Resin Layer ( $\mu\text{m}$ )	2	1	2	4	15	2	2	2	2	2	2	2	2
Film Defect due to resin-like stain	A	B	A	A	A	A	A	A	A	A	A	A	A
Suitability to Feed and Discharge in Offset Printing	A	A	A	A	A	A	A	A	A	A	A	A	A
Surface Resistivity ( $\Omega/\text{square}$ )	9E+11	1E+12	5E+11	6E+12	4E+12	2E+11	8E+10	2E+10	4E+12	5E+11	2E+12	3E+12	1E+12
Suitability to Insertion into Mold	A	A	B	A	B	A	A	A	A	A	A	A	A
Adhesive Strength to Container (g/15 mm)	540	530	710	620	830	520	510	500	580	600	440	450	410

	Comparative Example					
	1	2	3	4	5	6
Thickness of Interlayer (II) ( $\mu\text{m}$ )	5	4	25	0.2	2	5
Thickness of Heat-sealable Resin Layer ( $\mu\text{m}$ )	0	0.2	2	4	25	0
Film Defect due to resin-like stain	C	C	A	A	A	C
Suitability to Feed and Discharge in Offset Printing	A	A	A	B	A	A
Surface Resistivity ( $\Omega/\text{square}$ )	6E+11	8E+11	5E+10	3E+15	3E+13	1E+12
Suitability to Insertion into Mold	A	A	C	C	C	A
Adhesive Strength to Container (g/15 mm)	430	390	790	670	890	470

\* Measured on the heat-sealable resin layer side.

TABLE 2

	Surface Layer (B)					Core Layer (A)					Back Layer (C)					Interlayer (D)			Heat-Sealable Resin Layer (E)		Opacity (%)	
	MA-3 HJ 580		CaCO <sub>3</sub>	TiO <sub>2</sub>	Stretch	Thickness (μm)	MA-3 HJ 580	HJ 580	CaCO <sub>3</sub>	Stretch	Thickness (μm)	MA-3 HJ 580	HJ 580	CaCO <sub>3</sub>	TiO <sub>2</sub>	Stretch	Thickness (μm)	Stretch	Thickness (μm)	Stretch		Thickness (μm)
	MA-3 HJ 580	MA-3 HJ 580	CaCO <sub>3</sub>	TiO <sub>2</sub>	Stretch	Thickness (μm)	MA-3 HJ 580	HJ 580	CaCO <sub>3</sub>	Stretch	Thickness (μm)	MA-3 HJ 580	HJ 580	CaCO <sub>3</sub>	TiO <sub>2</sub>	Stretch	Thickness (μm)	Stretch	Thickness (μm)	Stretch		Thickness (μm)
Exs. 1, 6-9	51.5	3.5	42	3	uni	30	67	10	23	bi	40	51.5	3.5	42	3	uni	25	uni	3	uni	2	95
Ex. 2	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	4	"	1	95
Ex. 3	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	15	"	2	95
Ex. 4	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	1	"	4	95
Ex. 5	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	2	"	15	95
Comp. Ex. 1	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	5	"	0	95
Comp. Ex. 2	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	4	"	0.3	95
Comp. Ex. 3	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	25	"	2	95
Comp. Ex. 4	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	0.2	"	4	95
Comp. Ex. 5	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	2	"	25	95
Example 4 of JP-A-11-352888																						
Comp. Ex. 6	51.5	3.5	42	3	uni	5	67	10	23	uni	80	-	-	-	-	-	-	uni	3	uni	2	92
Ex. 10	85	5	10	-	"	20	88	10	2	bi	40	88	10	2	-	uni	15	"	3	"	2	14
Ex. 11	85	5	10	-	"	20	90	10	-	bi	40	88	10	2	-	uni	15	"	3	"	2	10
Ex. 12	85	5	10	-	"	5	90	10	-	uni	70	-	-	-	-	-	-	"	3	"	2	9
Ex. 13	85	5	10	-	"	5	90	10	-	uni	70	-	-	-	-	-	-	"	3	"	2	9

MA-3: Propylene homopolymer from Japan Polychem Corporation

MA-8: Propylene homopolymer from Japan Polychem Corporation

5 HJ580: High density polyethylene from Japan Polychem Corporation

CaCO<sub>3</sub>: Particle size: 1.5 μm; TiO<sub>2</sub>: Particle size: 0.8 μm